

Supreme Court, U.S.
FILED

MAY 14 1984

NO. 83-1742

ALEXANDER L. STEVAS
CLERK

IN THE
Supreme Court of the United States
OCTOBER TERM 1983

JAMES C. SCOTT,
JAMES SCOTT & ASSOCIATES, INC.
and COMMUNICATIONS SYSTEMS, INC.,
Petitioners
VS.

BETTY JANE SIEBEL, Executrix of the
Estate of Eldon K. Siebel, Deceased,
NORMAN HOFFMAN, RODNEY MOORE,
KENNETH C. KROGH, GEORGE E. PLUM,
VERNON SCHOEMAKER and ROBERT HODGES,
Respondents

SUPPLEMENT TO
PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Respectfully submitted,
TOM THOMAS
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Attorneys for Petitioners

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Petitioners respectfully supplement their petition for a writ of certiorari which was docketed April 16, 1984 as follows:

REASONS FOR GRANTING THE WRIT

Since the petition was filed, certain cases have been reported regarding the sale-of-business doctrine, one in the

Ninth Circuit¹ and one in a Texas appellate court.² The *Landreth* decision is substantially the same as decisions in the Seventh, Tenth and Eleventh Circuits adopting the doctrine. The *Star Supply Company* case applies *Howey-Forman* reasoning but simultaneously ignores the Fifth Circuit's rejection of the doctrine. Thus in Texas, the state courts apply this Court's approach of substance over form, but the federal courts do not, an anomalous result.

Dated this 11th day of May, 1984.

Respectfully submitted,
KOLODEY THOMAS
& YEAGER
Eleventh Floor
Two Turtle Creek Village
Dallas, Texas 75219
(214) 528-5511

By:


Tom Thomas

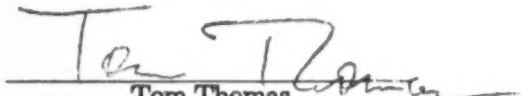
Attorneys for Petitioners

¹*Landreth Timber Co. v. Landreth*, [Current Developments] Fed. Sec. L. Rep. (CCH) ¶ 99,705 (9th Cir., March 7, 1984).

²*Star Supply Company, et al v. Robert D. Jones, et al*, 665 S.W.2d 194 (Tex. Civ. App. — San Antonio 1984).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was forwarded in the United States mail, postage prepaid, to Mr. Carl A. Generes, 919 Glen Lakes Tower, 9400 North Central Expressway, Dallas, Texas 75231 and Mr. Richard C. Guinan, Jr. and Mr. John O. Cunningham, Denton & Davis, 555 Griffin Square Building, Suite 920, Dallas, Texas 75202 this 11th day of May, 1984.


Tom Thomas